

KENTUCKY BOARD OF DENTISTRY

LAW ENFORCEMENT COMMITTEE MEETING

May 8, 2009

CALL TO ORDER

The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Allen to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Boggess seconded the motion. All were in favor. A motion was made by Dr. Allen to come out of closed session. Dr. Boggess seconded the motion. All were in favor. A motion to adjourn was made by Dr. Boggess. Dr. Allen seconded the motion. The committee meeting adjourned at 3:30 p.m.

BOARD MEETING

May 9, 2009

CALL TO ORDER

President William Boggess, D.M.D. called the meeting to order at 9:05 a.m. There was a determination of a quorum.

ROLL CALL

Present Board members were David Narramore, D.M.D.; Jim Allen, D.M.D.; William Boggess, D.M.D.; Hank Sleet, D.M.D., M.D., Dianne Embry, R.D.H.; Susan M. King, D.M.D., and Allan Francis. Dr. Greg Vance was not in attendance.

Staff present were Mr. Bishop K. Bishop, Executive Director; Mark Brengelman, Board Counsel; Lisa A. Turner, Executive Staff Advisor and Mr. Bishop Fingerson, R.Ph, Well Being Committee.

VISITORS

Dr. Marquetta Poynter
Lori Wilson, R.D.H., President for the Kentucky Dental Hygienist's Association and guest
Dr. William Collins
Dr. Elliott Schlang
Dr. Sandy Derringer
Gina Zwick, esthetician
Dr. Fonda Robinson

APPROVAL OF MINUTES

Dr. Narramore motioned that the Minutes of the March 2009 Board Meeting be accepted with the correction that the Board's formal approval of the amended language of HB 336 include that the dental hygienist representation on Board remain as it currently stands with one dental hygienist Board Member; also the correction to that the visitor's name Mrs. Allan Francis should read Ms. Annie Elizabeth. Dr. Allen seconded the motion. All were in favor.

DIRECTOR'S REPORT

Mr. Bishop presented the year-to-date budget report in fiscal year 2009; the leasing of new computers for the office and discussed the budget for the next biennium. The Office of the State Budget Director liaison has stated that it is still uncertain when and how much money will be collected from this year's budget.

Dr. Narramore made a motion that Dr. Earlene Morgan Fitzgerald Greene's request to surrender her specialty license and revert to only practicing general dentistry be granted with the condition that the letter to her granting the same include the citation to KRS 313.445(4): "a dentist with a specialty license and a general dentist shall only perform those dental procedures that the dentist is competent to perform by education, training, and experience." Dr. Sleet seconded the motion. All were in favor.

Mr. Bishop discussed the 2009 dental hygienist audits. The Board advised that the fall newsletter should include a notice alerting the dentists that a larger sample will be audited this renewal cycle than last cycle.

Mr. Bishop explained the results from online voting.

Mr. Bishop explained online renewal will begin in June, but the licenses will not be mailed until December.

Mr. Bishop explained the new procedure for temporary charitable licensure to be streamlined to only include:

- submission of the application;
- good for two year renewal-period;
- good only for five consecutive days;
- notice must be received from the charitable licensee of each new project; and
- staff will run a National Practitioner Databank Report at no cost to the applicant (however the Governor's office approved a grant of \$20 K to be reallocated to the KBD operating budget).

Dr. Narramore motioned the same. Dianne Embry seconded the motion. All were in favor.

Dr. Narramore made a motion to allow Mr. Bishop to work with Kentucky CHFS PH to draft a regulation safeguarding the public by creating minimum standards for dental clinics where charitable dentistry will be practiced to include the requirements that the organization meets 501(C) 3 status; universal safety precautions, post-operative protocol, retention of permanent records in compliance with HIPAA standards, registration with CHFS PH to include event intentions for the whole year and proper notice to KBD. Dr. Sleet seconded the motion. All were in favor.

Dr. Allen made a motion that the resolution regarding Uniform Licensure Examination drafted by Dr. Narramore be accepted as the Board's official position. Dr. Sleet seconded the motion. All were in favor.

Dr. Boggess and Ms. Embry shared their reports from attending the AADE meeting in

Chicago. Dr. Boggess discussed that he would like the Board to consider instituting the Maryland model to include charitable care as part of the settlement agreement to be used in discipline.

COMMITTEE REPORTS

Credentials Committee

Dr. King motioned that a dental hygiene license by credentials be issued to Laurie Jasper, Leslie Negrelli, Pamela Wentworth-Arnold, Linda Leidgen, Brigit Zaksek, and Dorothy Walker. Dianne Embry seconded the motion. All were in favor.

Dr. Narramore motioned that a general dentistry license by credentials be issued to Joe Patton. Dr. Boggess seconded the motion. All were in favor.

Dr. Narramore motioned that a general dentistry license by credentials be issued to Larry Shapiro. Dr. Allen seconded the motion. All were in favor.

Dr. Narramore motioned that a general dentistry license by credentials be issued to Arwinder Judge who submitted more definite practice plans to the satisfaction of the credentialing committee. Dr. Sleet seconded the motion. All were in favor.

Dr. King motioned that a general dentistry license by credentials be issued to Elliott Schlang. Motion failed for lack of a second.

The Board discussed that the July agenda should include adding CSW to acceptance of CRDTs for dental hygienists after communications with the KDA, the KDHA and both dental schools have been satisfied.

Law Enforcement Committee

Dr. Narramore motioned that the closed case report be accepted. Allan Francis seconded the motion. All were in favor.

08-149 Dr. Allen moved to file Immediate Temporary Suspension for Todd Kolter. Allan Francis seconded the motion. All were in favor.

09-028 Dr. Allen moved to file Notice of Hearing with settlement authority. Dr. Sleet seconded the motion. All were in favor.

08-158 Dr. Allen moved to file Notice of Hearing with settlement authority. Dr. Sleet seconded the motion. All were in favor.

09-034, et. al. Dr. Allen moved to file Notice of Hearing with standard terms for C.E. violations found through Board audit including private admonishments for lapses in CPR certification and for those passed the audit but submitted the documentation late. Dr. Sleet seconded the motion. All were in favor.

Dr. Sleet moved that lapses in CPR be noted with a letter only. Dianne Embry seconded the motion. All were in favor.

07-055 Dr. Allen moved to accept Settlement Agreement. Dianne Embry seconded the motion. All were in favor.

08-107 Dr. Allen moved to accept Settlement Agreement. Allan Francis seconded the motion. All were in favor.

07-082 Dr. Allen moved to accept Settlement Agreement. Dr. Sleet seconded the motion. All were in favor.

07-169 Dr. Allen moved to accept Settlement Agreement. Dr. Sleet seconded the motion. All were in favor.

07-087, 93, 103, 109, 110 and 116 Dr. Allen moved to accept Settlement Agreement. Dianne Embry seconded the motion. All were in favor.

07-055 Dr. Allen moved to accept Settlement Agreement. Dianne Embry seconded the motion. All were in favor.

08145, et. al. Dr. Allen moved to accept Settlement Agreement. Dianne Embry seconded the motion. All were in favor.

08-13 Board members King, Sleet, Francis, and Embry were all polled by Mr. Brengelman and confirmed that all present had no prior knowledge of the case to be adjudicated. Dr. Bill Dew, Dr. Chris Babcock and Dr. Narramore were previously informed of the case, but none of them were present at this point in the meeting. Dr. Boggess and Dr. Allen recused as members of the Law Enforcement Committee.

Dr. Sleet moved to go into closed session, citing KRS 61.810(1) (c) and (j); Dianne Embry seconded the motion. All were in favor. All staff and guests left the room.

Dianne Embry moved to come out of closed session. Allan Francis seconded the motion. All were in favor.

Mr. Francis moved to accept the hearing panel's recommendation for case 08-13 and Dianne Embry seconded. All were in favor.

Mr. Fingerson provided an update on his cases for which the Board received a Report.

NEW BUSINESS

Sandy Derringer, D.M.D. and Gina Zwick, facial esthetician, addressed the Board requesting guidelines for hair removal to work together professionally; specifically can Dr. Derringer act as medical director and use her DEA to order cosmetic pharmaceuticals. She will submit the request in writing and Mr. Bishop and Mr. Brengelman will research the issues.

Ms. Embry made a motion that an advisory opinion of the definition of conscious sedation encompasses and does not go beyond the ADA's standard for minimum sedation and moderate sedation so long as the patient is over the age of thirteen, the medication is administered orally only and not beyond the FDA single dose recommendation. The administration of sedation that goes beyond the ADA's moderate sedation into the level of deep sedation shall remain a threshold that necessitates a permit in Kentucky; that is the ADA definition of deep sedation and parenterally administered sedation requires a permit. Dr. King seconded. All were in favor.

Dr. Boggess made a motion to adjourn. Dr. King seconded the motion. All were in favor.

APPROVED:

William Boggess, D.M.D.
President

Dianne Embry, R.D.H.
Vice President